
Subject:	EXTENSION OF DOUR STREET, DOVER CONSERVATION AREA BOUNDARY
Meeting and Date:	Cabinet – 13 May 2024
Report of:	Roger Walton, Strategic Director (Place and Environment)
Portfolio Holder:	Councillor Edward Biggs, Portfolio Holder for Planning and Built Environment
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report:

1. To inform Cabinet of the results of the public consultation exercise on the proposed extensions to the Dour Street, Dover Conservation Area and to adopt the amended boundary.
2. To request that Cabinet agrees to a period of further consultation on the implementation of an Article 4 Direction.

Recommendation:

1. Cabinet agrees to the proposed extensions to the Dour Street, Dover Conservation Area boundary as set out in Appendix 1 and,
2. Cabinet agrees that a public consultation is carried out on the implementation of an Article 4 Direction.

1. Summary

- 1.1 Cabinet approved the Dour Street, Dover Conservation Area Character Appraisal on 4th September 2023. The appraisal recommended two extensions to the existing Conservation Area boundary. Cabinet gave approval for public consultation on the changes to the boundary and that consultation has now been undertaken.
- 1.2 The Character Appraisal also recommended the implementation of an Article 4 Direction to remove certain development rights.
- 1.3 If the recommendations are agreed, the District Council will have to follow a separate formal procedure to publicise the new boundary of the Conservation Area. Cabinet will be informed of the results of the consultation on the Article 4 Direction and approval sought for its confirmation.

2 Introduction and Background

- 2.1 The Dour Street, Dover Conservation Area Appraisal was approved at Cabinet on the 4th September 2023 as Supplementary Planning Guidance. It had been prepared by the Dover Society, in conjunction with the District Council, and follows recommendations in the Dover District Heritage Strategy. The appraisal identified two areas as being suitable for inclusion within the conservation area boundary, these are;
 - The ‘Hewitt Corner’ green space with tree at the Dour Street/Crafford Street junction, and

- The police station in Park Place.

2.2 A copy of the map is included as appendix 1.

2.3 A public consultation was carried out through the posting of notices within or adjacent to these two areas and through the Councils news items. The notice provided details on how to view the map showing the proposed new extensions (including a QR code to directly link to the relevant page in the adopted appraisal) and how to respond to the consultation. The consultation ran from the 18th January until the 29th February 2024 and 31 responses were received. A copy of the site notice is included as appendix 2.

3. **Proposed Extensions to the Existing Dour Street, Dover Conservation Area**

3.1 Dour Street, Dover Conservation Area was originally designated in 1987. Local planning authorities are required under the Planning (Listed Buildings and Conservation Areas) Act 1990 to review their conservation areas from time to time to ensure that the original designation was correct, and to identify whether other parts of the area should be included in the designation.

3.2 The Appraisal recommended two extensions to the existing conservation area, both of which are considered to be of sufficient historic or architectural character or appearance warranting inclusion within the boundary:

- (a) The first is the green space on Hewitt Corner. The appraisal identifies the area as being important for being the only open green space in the conservation area with the mature tree being a key feature. The area positively contributes to the character of the conservation area.
- (b) The second extension is the police station in Park Place. The appraisal notes that the building has architectural interest, and although different in style to the majority of the buildings within the conservation area, it is a key public building and a positive contributor to the areas architectural character.

3.3 No residential properties would be affected by the proposed extensions.

3.4 Thirty-one representations were received, all in support of the proposed extension of the boundary. A copy of the representations is included as appendix 3.

4. **Article 4 Direction**

4.1 The Appraisal also recommended the introduction of an Article 4 Direction, which would remove certain permitted development rights as set out in the General Permitted Development Order 2015, Schedule 3 Part 2(3) from residential properties. The Direction relates to the elevation of a residential property that faces a highway only and does not relate to changes to elevations which are not public and is registered as a land charge. Works identified in the Article 4 Direction would require planning permission before they could be undertaken. The Character Appraisal recommends the following types of development are controlled:

- (a) The enlargement, improvement or other alterations of the house, including changing windows and doors.
- (b) Alterations to the roof, including insertion of roof lights and dormer windows, and the replacement of natural roofing materials with manmade.

- (c) The erection or construction of a porch outside an external door.
- (d) The provision of a hard surface e.g. for car parking in the front garden.
- (e) The erection, alteration or removal of a chimney on the dwelling or on a building within its curtilage.
- (f) The erection, construction maintenance, improvement or alteration of a gate, fence or other means of enclosure.
- (g) The painting of the external masonry (or other walling material) of any part of the dwelling or building or enclosure within its curtilage. For the avoidance of doubt this does not include the routine painting of masonry or other walling material in the same colour.
- (h) The installation, alteration or replacement of a satellite antenna on a dwelling or on a building within its curtilage.

4.2 A copy of the proposed site notice detailing the Article 4 Direction is included as appendix 4.

4.3 The public consultation will be carried out for a period of 6 weeks and the results will be reported back to Cabinet.

4.4 It is of note that several of the responses to the consultation on the proposed boundary extension supported the principle of an Article 4 Direction.

5. **Identification of Options**

5.1 Option 1: That the boundary extensions to the Dour Street, Dover Conservation Area agreed and adopted as a material consideration for planning purposes, and that public consultation is carried out on the implementation of an Article 4 Direction, or

5.2 Option 2: That the boundary extensions to the Dour Street, Dover Conservation Area is not agreed and adopted, and public consultation on the implementation of an Article 4 Direction is not agreed, or

5.3 Option 3: That the boundary extensions to the Dour Street, Dover Conservation Area are agreed and adopted only, or

5.4 Option 4: That a public consultation on the implementation of an Article 4 Direction on the boundary as it currently exists only is agreed.

6. **Evaluation of Options**

6.1 The Appraisal was produced in response to the recommendations in the Dover District Heritage Strategy and the accompanying Action Plan, with reassessment of the existing boundary and potential for introduction of appropriate planning regulations being key tasks of the appraisal process.

6.2 The extension of the conservation area designation will ensure that the two proposed areas are afforded a level of protection from development that potentially could otherwise be damaging to the special character of the area. As the Appraisal has identified the two areas as meeting the criteria for being of architectural or historic

character and appearance, their inclusion within the conservation area boundary is warranted.

- 6.3 If the boundary extensions are not approved and adopted, then the benefits outlined above would not be realised and the special character of the Conservation Area could be at risk through inappropriate development.
- 6.4 Carrying out a further public consultation on the implementation of an Article 4 Direction will ensure that the Direction is robust.
- 6.5 If the recommendation to carry out a public consultation on the implementation of an Article 4 Direction is not agreed the Direction is potentially open to challenge.
- 6.6 The first option is therefore recommended.

7. **Resource Implications**

- 7.1 The change to the boundary will be published by a notice in the London Gazette, which incurs no fee, and one local newspaper. The Secretary of State and Historic England must be informed. The resource implications would be approximately £50-120 for the local newspaper notice (dependent on size of notice). Further resources would be required to undertake future work relating to the introduction of an Article 4 Direction. These would, however, be set out in a future Cabinet report.

8. **Climate Change and Environmental Implications**

- 8.1 The officer endorses the extension of the conservation area as Hewitt Corner is the only green space in the defined area and which homes the large Caucasian Wingnut tree which will be protected under the designation.

9. **Corporate Implications**

- 9.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted on the report and have no further comments to add. (MR)
- 9.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 9.3 Comment from the Equalities Officer: This report seeking approval for the boundary changes and requesting permission to carry out a public consultation on the implementation of an Article 4 Direction does not specifically highlight any equality implications. In discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>
- 9.4 Other Officers (as appropriate): None.

10. **Appendices**

- Appendix 1 - Map showing proposed extensions to the Conservation Area
- Appendix 2 - Copy of site notice
- Appendix 3 - Copy of representations
- Appendix 4 - Draft copy of the notice detailing the Article 4 Direction

Background Papers

Cabinet Report 4th September 2023.

Contact Officer: Alison Cummings, Principal Heritage Officer